

S.B. CIVIL WRIT PETITION NO. 2268/2004
Mohan Lal Vs. State Bank of India &
Ors.

DATE OF ORDER :: 28.3.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. Sajjan Singh, for the petitioner.
Mr. M.S. Singhvi, for the respondents.

By this petition for writ a direction is sought by the petitioner for the respondents to appoint him on compassionate grounds being ward of late Sh. Babulal, who died while in service of the respondents on 14.5.1999. The respondents by a communication dated 14.8.2000 denied for that by treating the condition of the family not penurious. The petitioner being aggrieved by the same raised an industrial dispute, however, the same was not entertained by the Assistant Labour Commissioner (Central), Ajmer on the count that the dispute so raised does not constitute an industrial dispute.

The petitioner preferred this petition for writ on 6.1.2004 that is after a lapse of more than three years from the date the respondents denied for appointment and after a

lapse of two years from the date the petitioner was denied remedy under Industrial Disputes Act, 1947. The writ petition preferred, therefore, is highly belated and no relief as claimed by the petitioner can be given at this stage. It is also pertinent to note that at the time of filing the writ petition the age of the petitioner was 26 years and now he is of 31 years of age. The appointment on compassionate grounds cannot be claimed as a matter of right being an exception to the concept of equality. The appointment under this category can be given only to meet immediate harness suffered by the family of the deceased government servant. In the instant matter the writ petition itself is highly belated, therefore, no immediate harness now exists.

In view of it, this petition for writ is having no merit and the same, therefore, is dismissed.

(GOVIND MATHUR),J.

J.Goyal